GOVERNMENT OF KARNATAKA

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 90 LCR 1973, Bangalore, dated 28th December 1973

The Governor of Karnataka is pleased to order that the All India Services (Confidential Rolls) Second Amendment Rules, 1973 which has been published as G.S.R. 425 (E) in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (1), dated 11th September 1973 be republished in the *Karnataka Gazette* for general information.

H. SUBBA RAO,
Under Secretary to Government,
Department of Law and Parliamentary Affairs.

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GOVERNMENT OF INDIA

CABINET SECRETARIAT

Department of Personnel and Admn. Reforms

NOTIFICATION

New Delhi, the 11th September 1973

G.S.R. 425(E).—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules to amend the All India Services (Confidential Rolls) Rules, 1970, namely:—

1. (1) These rules may be called the All India Services (Confidential Rolls) Second Amendment Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the All India Services (Confidential Rolls) Rules, 1970,

(1) in rule 1, in sub-rule (3), the words "serving in connection with the affairs of the Union or of a State" shall be omitted;

(2) in rule 2,—

(i) clause (a) shall be re-lettered as clause (aa) and, before clause (aa) as so relettered, the following clause shall be inserted, namely :—

"(a) 'accepting authority' means the authority who was, during the period for which the confidential report is written immediately superior to the reviewing authority and such other authority as may be specifically empowered in this behalf by the Government.";

(ii) for clause (b) and (c) the following clauses shall be substituted, namely :—

"(b) 'confidential roll' means the compilation of the confidential reports written on a member of the Service and includes such other documents as may be specified by the Central Government, by general or special order, in this behalf';

(c) 'Government' means—

(i) in the case of a member of the Service serving in connection with the affairs of the Union or of a Union Territory, or serving under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government, or serving under a local body set up by an Act of Parliament or serving under an international organisation, an autonomous body not controlled by the Central Government or a State Government, or a private body, the Central Government;

(ii) in the case of a member of the Service serving in connection with the affairs of a State, or serving under a company, association or body of individuals, whether

incorporated or not, which is wholly or substantially owned or controlled by the Government of a State or serving under a local body set up by an Act of the Legislature of a State, the Government of that State;";

(3) in rule 5,—

(i) in sub-rule (1), for the words "immediately after" the words "ordinarily within two months of" shall be substituted;

(ii) to sub-rule (1), the following proviso shall be added, namely:—

"Provided that confidential report may not be written in such cases as may be specified by the Central Government, by general or special order.";

(iii) to sub-rule 2, the following proviso shall be added, namely:—

"Provided that a confidential report may not be written in such cases as may be specified by the Central Government by general or special order.";

(iv) for sub-rule (4), the following sub-rules shall be substituted, namely:—

'(4) Where the reporting authority has not seen, and the reviewing authority has seen, the performance of a member of the Service for at least three months during the period for which the confidential report is to be written, the confidential report of any such member for any such period shall be written by the reviewing authority, and where, both the reporting authority and the reviewing authority have not seen, and the accepting authority has seen, the performance as aforesaid of any such member during any such period the confidential report shall be written by the accepting authority.

(5) Where the reporting authority the reviewing authority and the accepting authority have not seen the performance of a member of the Service for at least three months during the period for which the report is to be written an entry to that effect shall be made in the confidential report for any such period by the Government.

(6) Notwithstanding anything contained in sub-rules (1), (2), (4) and (5), it shall not be competent for the reporting authority, the reviewing authority or the accepting authority as the case may be, to write a confidential report,—

(a) where the authority writing the confidential report is a Government servant, after he retires from service, and

(b) in other cases, after he demits office.";

(4) for rule 6, the following rule shall be substituted, namely :—

"6. **Review of the Confidential report.**—(1) The confidential report shall be reviewed by the reviewing authority ordinarily within one month of its being written :

Provided that this requirement may be dispensed with in such cases as may be specified by the Government, by general or special order.

(2) Where the report is written by the reviewing authority under sub-rule (4) of rule 5, or where the reviewing authority has not seen, and the accepting authority has seen, the performance of a member of the Service for at least three months during the period for which the confidential report is written, the confidential report of any such member for any such period shall be reviewed by the accepting authority ordinarily within one month of its being written.

(3) It shall not be competent for the reviewing authority, or the accepting authority, as the case may be, to review any such confidential report unless it has seen the performance of the member of the Service for at least three months during the period for which the report has been written, and in every such case an entry to that effect shall be made in the confidential report.

(4) Notwithstanding anything contained in sub-rules (1) and (2), it shall not be competent for the reviewing authority or the accepting authority as the case may be, to review any such confidential report,—

(a) where the authority reviewing the confidential report is a Government servant, after he retires from service, and

(b) in other cases, after he demits office.";

(5) after rule 6, the following rule shall be inserted namely :—

"6A. **Acceptance of the confidential report.**—(1) The confidential report, after review, shall be accepted with such modifications, as may be considered necessary, and countersigned, by the accepting authority ordinarily within one month of its review :

Provided that this requirement may be dispensed with in such cases as may be specified by the Government, by general or special order :

Provided further that where the accepting authority has not seen the per-formance of any member of the Service for at least three months during the period for which the confidential report has been written, it shall not be necessary for the accepting authority to accept any such report.

Note.—An entry to this effect shall be made in the confidential report.

(2) Notwithstanding anything contained in sub-rule (1), it shall not be competent for the accepting authority to accept and countersign any such confidential report.—

(a) where the accepting authority is a Government servant, after he retires from service, and

(b) in other cases, after he demits office.

6B. **Cases in which the accepting authority writes or reviews the confidential report.**— Notwithstanding anything contained in rule 5 or rule 6, where the accepting authority writes or reviews the confidential report of any member of the Service, it shall not be further necessary to review or accept any such report.".

(6) for rule 8, the following rule shall be substituted, namely :—

" 8. **Communication of adverse remarks.**—(1)Where a confidential report on a member of the Service contains an adverse remark or a critical remark, it shall be communicated to him in writing, together with a substance of the entire confidential report, by the Government, or such authority as may be specified by the Government, ordinarily within three months of the receipt of the

confidential report and a certificate to this effect shall be recorded in the confidential report.

(2) The question whether a particular remark recorded in the confidential report on a member of the Service is an adverse remark or a cirtical remark or not shall be decided by the Government :

Provided that, in the event of any difference of opinion between the Central Government and the Government of a State as to whether a particular remark is to be deemed an advice remark or a critical remark or not, the opinion of the Central Government shall prevail.".

(7) In rule 10 of sub-rule (1)—

(i) for the words "or the reviewing authority" the words, "the reviewing authority or the accepting authority,"shall be substituted :

(ii) the second proviso shall be omitted.

(8) after rule 10, the following rule shall be inserted, namely :—

" 10A. **General.**—The Central Government may issue such instructions, not inconsistent with the provisions of these rules, as it may consider necessary, with regard to the writing of the confidential reports, the maintenance of the confidential rolls and the effect of the confidential reports on the conditions of service of a member of the Service.".

[No. X34/4/71-AIS (III)-Vol. I.B.]

Printed by the Director of Printing, Sty & Publications at the Govt. Press, B'lore.